

**HENNEPIN COUNTY
FOURTH JUDICIAL DISTRICT COURT
LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for Hennepin County District Court to provide services to LEP individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with Hennepin County District Court.

This LEP Plan was developed to ensure equal access to court services for persons with limited English proficiency and hearing impaired persons. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to the Minnesota Judicial Branch Court Interpreter Program.

II. NEEDS ASSESSMENT

A. Statewide

The State of Minnesota provides court services to a wide range of persons, including people who do not speak English or who are hearing impaired. Service providers include the Minnesota Supreme Court, the Court of Appeals and trial courts in the ten judicial districts.

According to the Minnesota Court Interpreter Program, which tracks court interpreter usage, the most widely used languages for interpreters in Minnesota courts in 2004 were (in descending order of frequency):

1. Spanish
2. Somali
3. Hmong
4. American Sign Language
5. Vietnamese

B. Hennepin County District Court

Hennepin County District Court will make every effort to provide service to all LEP persons. However, the following list shows the foreign languages that are most frequently used in the area.

- Spanish
- Somali
- Hmong

This information is based on data from the Minnesota Court Interpreter Program and the Hennepin County District Court Interpreter Unit.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

By Minnesota statute, it is “the policy of this State that the constitutional rights of persons handicapped in communication cannot be fully protected unless qualified interpreters are available to assist them in legal proceedings.” Minn. Stat. § 611.30 (2004). A person “handicapped in communication” is one who, because of difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate, or when named as a party to a legal proceeding, is unable by reason of the deficiency to obtain due process of law. Minn. Stat. §§546.42, 611.31, 358.02 (2004).

In Hennepin County District Court, sign language interpreters will be provided at court expense for all deaf court customers in compliance with the Americans with Disabilities Act. Spoken language interpreters will be provided at no cost to the court customers who are “handicapped in communication” under the following circumstances:

- Interpreters will be provided at no cost for litigants and witnesses in criminal hearings;
- Interpreters will be provided at no cost for litigants and witnesses in civil hearings;
- Interpreters will be provided at no cost for litigants and witnesses in juvenile hearings;
- Interpreters will be provided at no cost for litigants and witnesses in child support hearings.

Alternatively, Minnesota Statutes Section 611.33, subd. 3 requires that “[p]ayments for any activities requiring interpreter services on behalf of law enforcement, the board of public defense, prosecutors, or corrections agents other than court appearances is the responsibility of the agency that requested the services.”

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that Hennepin County District Court will determine whether an LEP court customer needs an interpreter for a court hearing. First, the LEP person may request an interpreter. Hennepin County District Court displays a sign translated into Minnesota’s eleven most frequently used languages which states: “*You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk.*”

Second, court personnel and judges may determine that an interpreter is appropriate for a court hearing. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears

that an individual has any difficulty communicating, the court administrator or judge should err on the side of providing an interpreter to ensure full access to the courts.

Third, the Minnesota Court Information System (MNCIS), which is the statewide case management system, will track interpreter needs through case records and party records. Case record interpreter flags will assist staff in making sure that they know an interpreter is needed for the next hearing on a particular case. Party record interpreter information stays with the party and would be available statewide for future filings and party search results for that same individual.

Finally, outside agencies such as probation, attorneys, social workers or correctional facilities may notify the court about an LEP individual's need for an interpreter for an upcoming a court hearing. The divisions of Hennepin County District Court have structured internal systems, through a divisional contact, to efficiently communicate the need for interpreter services. These needs can be communicated to the Interpreters Scheduling Unit via email, telephone or through the use of written interpreter request forms.

2. Court Interpreter Qualifications

Hennepin County District Court hires interpreters for courtroom hearings in compliance with the rules and policies set forth by the Minnesota Court Interpreter Program (CIP) and Rule 8 of the General Rules of Practice for the District Courts. The CIP maintains a statewide roster of interpreters who may work in the courts. This roster is available to court staff on CourtNet and the Supreme Court's web site. Interpreters on the roster have passed the court's ethics exam, attended an orientation session and signed a sworn affidavit of professional responsibility. In accordance with Rule 8, the Fourth Judicial District Court appoints "certified" interpreters when available. To be certified, an interpreter must first meet the requirements to be on the roster, and secondly must pass a rigorous exam testing linguistic and interpreting skills. Minnesota court certified interpreters are currently available in the following languages: Spanish, Hmong, American Sign Language, Vietnamese, and Russian. When Hennepin County District Court has made a "diligent" effort to find a certified court interpreter and none is available, the Court then seeks a non-certified court interpreter who is on the statewide roster.

In compliance with Rule 8, Hennepin County District Court appoints non-certified interpreters who are not listed on the roster only when certified and rostered interpreters are unavailable. Whenever a non-certified interpreter is used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

As a last resort, the Court may also use interactive television (ITV) or telephone interpreting if no interpreters are available in person. Bilingual staff who are not on the statewide roster should not be used to interpret in court. However, they may assist in securing an interpreter if necessary.

More information on court interpreters is available to court personnel in the "Best Practices Manual on Interpreters in the Minnesota State Court System," published and maintained by the State Court Administrator's Office.

B. Spoken Language Services Outside The Courtroom

Hennepin County District Court is also responsible for taking reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is perhaps the most challenging situation facing court staff, because in most situations they are charged with assisting LEP individuals without an interpreter. LEP individuals may come in contact with court personnel via the phone, counter or other means. To that end, Hennepin County District Court has the following resources to help LEP individuals and court staff communicate with each other:

- Interpreter Services.
- Spanish Hotline (612) 596-9275.
- Right to Court Appointed Interpreter Signs.
- How to request an Interpreter for a Court Hearing instructions.
- Language Line telephone interpreters.
- Translated signage; directional signs for each clerks' office have been placed throughout our court locations.
- Bi-lingual staff roster in the following languages: Spanish, Somali, French, Hebrew, Hmong and Italian.
- A language access chart has been developed and distributed to staff. This chart provides instructions for reaching bilingual employees for assistance.
- Closed captioned jury video.
- Assisted listening devices.
- "I speak" cards in Spanish, Somali, Vietnamese, Russian, Lao, Hmong, Khmer, and Arabic (see attachment A)
- "I need an Interpreter" card – Translated in 38 languages.
- English/Spanish Court Terminology Glossary.
- Tips for Communicating with Deaf Court Customers.
- English/American Sign Language Glossary.
- Quick Web Translation Services.
- How do I find an Interpreter from the Minnesota Court Interpreter Roster.

C. Translated Forms & Documents

The Minnesota Courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts' services. The State of Minnesota currently has the following forms translated into commonly used languages:

- Criminal Court Forms have been translated into Cambodian, Hmong, Lao, Russian, Somali, Spanish and Vietnamese. These forms include Rule 15 Plea Petitions (Felony and Gross Misdemeanor); Felony, Gross Misdemeanor, Misdemeanor, and Petty Misdemeanor Statements of Rights; Gross Misdemeanor DUI Statement of Rights; Probation Violation Statement of Rights

- Statement of Rights for First Court Appearance on Paternity Proceedings: Cambodian, Hmong, Lao, Russian, Somali and Spanish
- Domestic Abuse forms have been translated into Spanish, Somali, Hmong, Vietnamese, Russian, Lao, Arabic, Oromo and Khmer. These include: Instructions to Apply for an Order for Protection; Petitioner's Affidavit and Petition for Order for Protection; Notice to Petitioner; Petitioner's Information Sheet; Law Enforcement Information Sheet; Domestic Abuse Instruction Sheet; Respondent's Petition for Hearing; Affidavit and Motion to Modify Order for Protection; and Application for Extension of Order for Protection; Notice of Change of Address.

These translated forms are available on CourtNet for internal use, and available to the general public at: <http://www.courts.state.mn.us/forms/Default.aspx?pageID=9007&activeLink=138>

When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals.

Additionally, the Fourth Judicial District has the following translated forms:

Civil

Interpreter Request-Spanish, Somali, Hmong, Russian, Vietnamese, Khmer, Serbo-Croatian
PSL Court Information-Spanish, Somali, Hmong, Arabic, Laotian, Vietnamese, Russian
PSL Brochure-Spanish

Criminal/Traffic

Defendant's Rights Form-Spanish
Domestic Abuse brochure-Spanish
Petition to Enter Plea-Spanish
Appointment Cards-Spanish
Court Date Reminder Slips-Spanish
Report to Court Form-Spanish (Outdated)
Hearing Office Appointment Forms-Spanish
Hearing Officer Appointment Reminder Slips-Spanish
Complaint Forms (HC3825S 11/95)-Spanish
Defendant's Rights Form (HC3753S 1/05)-Spanish

Domestic Abuse Service Center

Domestic Abuse Service Center Brochure-Spanish, Somali
Domestic Abuse Service Center Welcome Letter-Spanish, Somali, Hmong, Russian, Vietnamese, Laotian
Interpreter Request-Spanish, Somali, Hmong, Russian, Vietnamese, Khmer, Serbo-Croatian

Juvenile Court

Summons and Notice-Spanish

Probate/Mental Health Court

Notice for Custody, Examination and Hearing Form-Somali

Notice of Respondent's Rights-Somali

Guardian ad Litem

Guardian ad Litem Brochure-Hmong, Somali, Spanish available on State Court Website at:
<http://courtnet.courts.state.mn.us/gal>

Psychological Services

Psychological Tests:

Minnesota Multiphasic Personality Inventory (mmpi2)-Spanish (North America)

mmpia (adolescent version of mmpi2)-Spanish (North America)

Million Clinical Multiaxial Inventory II (mcmi II)-Spanish (North America)

Multiaxial Inventory III (mcmi III)-Spanish (North America)

Million Adolescent Clinical Inventory (maci)-Spanish (North America)

Million Adolescent Personality Inventory (mapi)-Spanish (North America)

Pro Se Services- Self Help Centers

Domestic Violence Brochures-Spanish

Self Help Center & Family Law Facilitator Brochure-Oromo

Visitation Disputes-Somali

Petition for Dissolution of Marriage-Spanish

Various brochures in languages as follows:

Cambodian

Establishing paternity and deciding child custody

Understanding visitation

Your rights in an eviction

Hmong

Establishing paternity and deciding child custody

Understanding visitation

Your rights in an eviction

What to do if you are being sued?

Using credit wisely

Laotian

Establishing paternity and deciding child custody
Understanding visitation
Your rights in an eviction
What to do if you are being sued?
Using credit wisely

Russian

Conciliation Court
Establishing paternity and deciding child custody
Understanding visitation
Your rights in an eviction

Somali

Orders for protection
Establishing paternity and deciding child custody
Understanding visitation
Your rights in an eviction
What to do if you are being sued?
Using credit wisely
MFIP for Victims of Domestic Abuse
Child protection
Public benefits for non-citizens
Employment and training exemptions under MFIP
How to get education or training under MFIP
Becoming a U.S. citizen
Basic information for tenants
Getting landlord to make repairs
Emergency repair problem
A tenant's rights to privacy
Your rights in an eviction
Your rights with your parents or guardians

Spanish

Landlords and Tenants
Using credit wisely
What to do if you are being sued?
Understanding visitation
Your rights in an eviction
Getting a harassment restraining order
Housing discrimination
Security Deposits
Questions about renting
Getting child support
Now I have a child support order

Conciliation Court
Establishing paternity
Getting an order for protection

Vietnamese

Establishing Paternity and deciding child custody
Understanding visitation
Your rights in an eviction
What to do if you are being sued
Conciliation Court
Using Credit Wisely

IV. TRAINING

The Minnesota Courts are committed to providing LEP training opportunities for all staff members who come in contact with LEP individuals.

Hennepin County District Court provides training to inform staff of the court's responsibility to provide Americans with Disabilities Act (ADA) accommodations and interpreter services and to give staff the tools necessary to respond to such requests. The following is a list of training programs currently available in Hennepin County District Court :

New Employee Orientation

The Human Resources and Scheduling/Interpreter divisions present information to new employees about the court's responsibilities in providing ADA accommodations and interpreter services. Employees are given the tools necessary to recognize and respond to the needs of individuals with disabilities.

Equal Access Handbook

Supervisors distribute Equal Access Handbooks to new employees. The handbook includes a section on ADA which defines the Act and outlines the accommodation process.

Court Overview Panel

The Scheduling Division presents information to current employees about the court's responsibilities in providing interpreter services. This training serves as a refresher course and question/answer session on how to respond to individuals with hearing disabilities.

Dispelling the Myths: Deaf and Hard of Hearing Trends

This one-day training session is provided by staff of the Minnesota Department of Human Services, Deaf and Hard of Hearing Services Division. Trainers provide cultural information, identify specific needs of people who are deaf or hard of hearing and identify resources designed to enhance the lives of individuals who are deaf or hard of hearing.

MN Courts Interpreter Program

This is a half day training session that provides an overview of both the State Court Interpreter Program and the Fourth Judicial District Court Interpreter Program. Participants will learn about

the role of the interpreter and how to best handle interpreter cases. In addition, there will be discussion on the differences between Sign Language and spoken language interpreter cases.

L.E.P. Resources Training

(In development for March 2006) Members of the Fourth Judicial District's L.E.P. Project Team present information on the resources currently available to assist staff in working with limited English speaking individuals. This training outlines the various resources available to staff and explains where to find them and how to use them.

V. PUBLIC NOTIFICATION AND EVALUATION OF LEP PLAN

A. LEP Plan Approval & Notification

Hennepin County District Court's LEP Plan has been approved by the District Administrator, and a copy has been forwarded to the State Court Administrator's Office (SCAO). Any revisions to the plan will be submitted to the District Administrator for approval, and then forwarded to the SCAO. Copies of Hennepin County District Court's LEP plan will be provided upon request. In addition, Hennepin County District Court will post this Plan on its website, and the SCAO will post it on the Supreme Court's public website.

B. Annual Evaluation of the LEP Plan

Hennepin County District Court will conduct an annual needs assessment to determine whether changes to the LEP plan are required. This assessment may be done by tracking the number of interpreters requested by language in the courts, or by other methods.

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's web site. Additionally, it will be posted on the Supreme Court's public website.

Each year the statewide Court Interpreter Program Coordinator will coordinate with the judicial district interpreter liaisons to review the effectiveness of the LEP Plan. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include:

- Number of LEP persons requesting court interpreters in Minnesota Courts;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out; and
- Gathering feedback from LEP communities around the state.

LEP Contact Person

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